

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CLIFTONE SEMEDO,

Plaintiff,

v.

CARLOS GALVAN, et al.,

Defendants.

CV F- 03-5169 OWW DLB P

ORDER RE PLAINTIFF'S MOTION
TO COMPEL DISCOVERY
RESPONSES
(DOC 52)

I. Background

Plaintiff is a prisoner proceeding pro se and in forma pauperis with a civil rights action pursuant to 42 U.S.C. section 1983. This action is proceeding on plaintiff's amended complaint, against defendants Galvan and Cervantes for allegedly using excessive force on June 8, 2001, in violation of the Eighth Amendment. Pending before the court is plaintiff's motion to compel responses to requests for production of documents. Defendants filed an opposition to the motion on June 19, 2007.

Plaintiff contends defendants did not fully respond to his request for production of documents, set one. Defendants contend they responded to each request and provided plaintiff with all relevant, non-privileged information in their possession.

1 **II. Discussion**

2 Pursuant to Federal Rule of Civil Procedure 37(a)(2)(B), a party may move for an order
3 compelling responses to discovery. The moving party bears the burden to demonstrate actual and
4 substantial prejudice from the denial of discovery and the opposing party must support each ground
5 on which it refused discovery.

6 In response to discovery and in opposition to plaintiff's motion to compel, defendants
7 represent that they have fully responded and provided all documents in their possession, custody or
8 control. Plaintiff has not demonstrated that an order compelling further response is warranted.

9 Accordingly, plaintiff's motion to compel is HEREBY DENIED.

10
11 IT IS SO ORDERED.

12 **Dated: March 17, 2008**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE